

The Algorithm of Hedonistic Involvement and Criminal Liability in Elections in the Era of Digital Campaigning

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ABSTRACT: Criminal liability for hedonistic (*pleasure-seeking*) behavior in digital campaigns under Law No. 7 of 2017 on General Elections and Law No. 19 of 2016 on Electronic Information and Transactions. Issues related to hedonistic consumption behavior on social media as a mechanism of *reinforcement learning* based on *social rewards* can be construed as a criminal act of a “*black campaign*” that fulfills the elements of criminal liability, specifically the liability of the intellectual perpetrator (*intellectuele dader*), for which the penalty is two years’ imprisonment. This normative study employs a *statutory approach*, a *conceptual approach*, and a *case-based approach*. The analysis reveals that hedonistic behavior designed to maximize *engagement* through emotional content tends to cross the threshold set by Article 521 of the Election Law, which prescribes a penalty of two years’ imprisonment and a fine of Rp24 million. networks of paid influencers that exploit algorithmic *reward* architecture generate new causal complexities that go beyond the conventional application of the “*intellectuele dader*” doctrine, and there is a regulatory gap between the Election Law and the ITE Law which only provides limited regulation in the context of regional head elections therefore requiring amendments to address the challenges of digital campaigning. Integrating the framework of *hedonic information consumption* with the doctrine of electoral criminal law underscores the importance of reconstructing and harmonizing regulations among the Election Law, the ITE Law, and Bawaslu regulations to address the challenges posed by the neurobehavioral architecture of social media platforms and to establish criminal liability for content that exploits the psychological vulnerabilities of the audience to commit election violations.

KEYWORDS: *hedonic behavior*, digital campaign, *smear campaign*, criminal liability, election, *intellectual perpetrator*

I. INTRODUCTION

Indonesia has entered a new era of electoral politics following the 1998 reforms, in which the democratization process has proceeded hand in hand with the rapid adoption of digital technology. The 2024 election marks a critical juncture in Indonesia’s political history, with over 205 million registered voters and the use of social media as the primary arena for political campaigns (Ngazis, 2025). Platforms such as Instagram, TikTok, and X have become laboratories where political actors test campaign content in real time with a massive audience a phenomenon unprecedented in the history of Indonesian elections.

One of the dominant characteristics of contemporary digital campaigns is the shift in content architecture from visionary-missionary narratives toward content designed to elicit an immediate emotional response. Ngazis observes that regulating social media campaigns in the 2024 general election faces complex challenges because the interplay of legal phenomena such as platform algorithms, influencers, and political buzzers has not yet been fully accommodated by the existing legal framework (Ngazis, 2025). This change is no coincidence but a direct consequence of campaign actors’ adaptation to the algorithmic logic of social media platforms, which inherently prioritize content with the highest *engagement* rates.

This algorithmic logic, as demonstrated by Lindström, Bellander, Schultner, and colleagues, operates on the principle of *reinforcement learning*, in which *social rewards* particularly “likes” serve as reinforcement signals that systematically shape users’ behavior (Lindström et al., 2021). This big-data study quantitatively demonstrates that engagement behavior on social media follows a mathematically predictable reward-prediction error pattern, similar to how the brain responds to primary rewards such as food or money. The legal implications of these findings are significant: when a platform’s technical architecture is intentionally designed to maximize the intensity of rewards, campaign content design will naturally gravitate toward the formats that are psychologically most *rewarding* namely, content that triggers arousal, controversy, and visceral emotional responses.

Such content, referred to in consumer psychology literature as “*hedonic information consumption*” as defined by Fadel, Meservy, and Kirwan as the consumption of information through online channels for non-task-related purposes such as entertainment or pleasure (Fadel et al., 2023) possesses characteristics that are structurally at odds with the principles of election

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campaigns as stipulated in Law No. 7 of 2017. This law stipulates that campaign content must be informative and argumentative and presented through *narrative, graphic, character-based, interactive, or non-interactive formats* in accordance with the principles of a civilized and educational campaign. When pleasure becomes the primary goal of the content rather than an understanding of the candidate's vision and mission, such content carries a high risk of crossing the threshold of the provisions prohibiting black campaigning.

The positive relationship between social media use and hedonically driven consumption and purchasing behavior (Akel & Candan, n.d.) . Their findings indicate that social media addiction not only leads to individual consumerist behavior but also creates a reinforcement cycle in which pleasure-driven consumption content becomes increasingly extreme over time. The translation to the election context is straightforward: campaign actors are driven by the same reward logic to produce content that is increasingly provocative, sensational, and potentially in violation of election regulations.

Research by Balleyer and Fennis shows that hedonistic consumption functions as a form of emotional regulation (*self-regulatory behavior*) that is, pleasure-seeking behavior adopted by individuals to manage psychological stress (Balleyer & Fennis, 2022) . In the context of campaigns, political actors face significant psychological pressure (polls, time constraints, fierce competition), and emotionally regulatory strategies algorithmically driven by social media platforms may involve producing campaign content that provokes negative emotions in the audience to generate massive engagement. This is what then crosses the line into "*black campaigns*," which are prohibited by the Election Law.

Black campaigning itself is legally defined by Nisa, Disemadi, and Roisah as actions taken by a candidate, campaign team, or related party to hinder another candidate's campaign through baseless negative claims, insults, slander, incitement, calls for hatred, or instigation (Nisa et al., 2020) . This legal framework, as analyzed by Sirait, Mukidi, and Akhyar, still contains regulatory gaps (legal vacuums) because the definition of "black campaigning" is explicitly found only in Law No. 8 of 2015 and has not yet been fully and detailed accommodated in the 2017 Election Law (Sirait et al., 2024). This situation creates significant *legal uncertainty*, particularly when hedonistic (*pleasure-seeking*) behavior results in de facto black campaign effects without meeting the strict subjective elements (*mens rea*) required by criminal law.

Legal Issues of Criminal Liability in the Algorithmic Arena *Criminal liability* for hedonistic behavior in digital campaigns raises four legal issues. First, the issue of *mens rea* (the element of subjective fault). When emotionally charged campaign content designed for algorithmic engagement results in black campaign violations, the question is how to establish the *psychological culpability* of actors whose behavior is predominantly driven by external reward mechanisms (likes, shares) operating below the threshold of deliberative consciousness. Pennycook and Rand demonstrate that there is a substantial disconnect between what people believe and what they share on social media, driven largely by *inattention* (Pennycook & Rand, 2021). This inattention, in the context of pleasure-seeking, is in fact a product of the dopaminergic architecture created by the platforms.

Second, the issue of *causation*. Is there a direct causal relationship between the platform's algorithms, users' hedonistic behavior, and the occurrence of black campaign violations? Or are these violations merely the product of *the free will* of campaign actors who strategically exploit the platform's architecture? Mahlyankin, in a recent analysis of *the mechanistic correspondence* between attention-manipulating algorithms and psychoactive substances, demonstrates that recommendation algorithms activate identical neural reward circuits and produce patterns of tolerance, withdrawal, and compulsive use comparable to those of classic narcotics (Mahlyankin, 2026) . If algorithms operate in a manner neurobiologically equivalent to psychoactive substances, then legal causation constructs must explicitly account for this dimension.

Third, the issue of the liability of the intellectual perpetrator (*intellectuele dader*). This concept, which has been doctrinally defined by Achmad in his analysis of Judgment No. 17/Pid.Sus/2014/PN.Bul (Achmad, 2018) namely, criminal liability for those who direct but do not directly commit the offense becomes increasingly relevant when the masterminds behind black campaign violations are algorithmically designed networks of political buzzers. Hidayat comprehensively analyzes that *the use of political "buzzers"* on social media during election campaigns effectively transforms ordinary citizens into amplifiers of strategic political content through a reward feedback loop that includes monetary gratification and social validation (Hidayat, 2020) . The complexity of causality in this phenomenon transcends the conventional framework of the "intellectuele dader" and requires a doctrinal reconstruction.

Fourth, the issue of *cross-regulatory* integration. The Election Law, the ITE Law, the General Election Commission (PKPU) regulations, and Supreme Court jurisprudence operate in isolation and have not yet been coherently integrated. Fikri demonstrates that the existing regulatory framework which combines Law No. 7/2017 as amended by Supreme Court Regulation No. 1/2018, the ITE Law, and the Criminal Code requires an integrated enforcement mechanism to address the complexities of technology and digital campaign behavior (Fikri, 2024) . Karim, Zeinudin, and Suhartono explicitly assert that black campaign tactics via social media constitute both *election crimes* and *cybercrimes* because they involve technology (Karim et al., 2025) , thereby allowing criminal liability to be pursued under both legal regimes simultaneously.

The urgency of research and the novelty of Indonesian election law have been extensively addressed in discussions of negative campaigning and election violations; a striking research gap, however, is the absence of analysis that explicitly integrates the algorithmic psychological dimension of pleasure-seeking behavior into the construction of criminal liability. Existing research tends

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to treat black campaign violations as the product of an actor's free will without accounting for how technological architecture and neurobiological reward mechanisms condition such behavior. This article makes four original contributions: Theoretical contribution: Constructing an analytical framework that integrates *hedonic motivation theory* and a *computational reward learning account* with Indonesian electoral criminal law doctrine a cross-disciplinary integration that has not been previously undertaken in Indonesian legal literature. Conceptual contribution: Introducing new analytical terms and concepts such as "*like-bait politics*" and "*hedonic campaign offense*," which enrich the categories of election crimes in the digital age. Doctrinal contribution: Reconstructing the concept of "*intellectuele dader*" in Judgment No. 17/Pid.Sus/2014/PN.Bul by accounting for algorithmic dimensions and reward-based engagement aspects not evident in the original case. Practical-normative contribution: Formulating recommendations for the reformulation of the Election Law and the ITE Law to explicitly regulate criminal liability for campaign content designed to exploit the psychological vulnerabilities of a pleasure-seeking audience.

II. RESEARCH METHOD

The method used is *normative legal research* (Peter Mahmud Marzuki, 2017), which aims to identify legal rules, legal principles, or legal doctrines to address the issues at hand, thereby generating new arguments, theories, or concepts as recommendations for resolving the problems. This approach is appropriate for the nature of the issue under study namely, analyzing the construct of criminal liability for hedonistic behavior in digital campaigns which is prescriptive-analytical in nature with respect to positive legal norms.

The approach used by the researcher in this study is a normative (doctrinal) legal approach. The legal approach is a method of analysis based on positive law, namely applicable laws and regulations (*ius constitutum*). Meanwhile, the normative approach focuses on various elements of legal norms such as fundamental norms, legal principles, court rulings, decisions by public officials, and others as the objects of research. The models of approach used are the statutory approach, the conceptual approach, and the case approach. For the research specification, an analytical-prescriptive approach was used, namely research aimed at obtaining recommendations or solutions regarding what should be done to address a specific problem (Hamzani et al., 2023).

III. RESULTS AND DISCUSSION

1. Hedonic Information Consumption as a Driver of Election Fraud

As they have evolved, contemporary digital campaigns in Indonesia have undergone fundamental changes due to what Fadel, Meservy, and Kirwan refer to as "*Hedonic Information Consumption*" that is, the consumption of information through online channels for non-task-oriented purposes, such as entertainment or pleasure (Fadel et al., 2023). Their neurocognitive study shows that information perceived as engaging produces distinct neural processing patterns, providing preliminary empirical evidence that hedonistic engagement is not a marginal phenomenon but rather a structurally embedded pattern of social media interaction behavior.

These findings are supported by Lindström, Bellander, Schultner, and colleagues, who, through large-scale computational analysis, demonstrated that social media engagement functions as a form of *reinforcement learning* driven by social rewards; specifically, the "like" button serves as a measurable signal of approval that activates the brain's reward mechanisms in a manner similar to primary rewards such as food or money (Their research confirms that empirical evidence regarding reward-based social media behavior is no longer hard to find: users systematically pursue "likes" as a measurable social reward, which triggers sustained and often increasingly intense posting behavior).

When applied to the context of elections, this framework explains a mechanism that has previously been under-discussed in theoretical terms: campaign actors, including informal news disseminators and political operators, design content to maximize hedonistic engagement precisely because such content generates disproportionate reach through algorithmic amplification. The convergence of individuals' pleasure-seeking behavior with this algorithmic reward structure creates fertile ground for violations of election laws.

2. Algorithm Driven Engagement and the Manipulation of Pleasure-Seeking Behavior

Recent research has identified the critical structural dimensions of this phenomenon. De, Alsharef, Aydemir, and colleagues observed that artificial intelligence (AI)-driven social media algorithms are designed to capture users' attention for commercial gain by personalizing content to increase engagement and deepen reward center activation, which triggers a dependency similar to substance addiction (De et al., 2025). This algorithmic optimization is no coincidence; it directly accelerates the development of addictive engagement patterns among users, including those consuming election-related content.

From a comparative regulatory perspective, Mahlyankin's latest analysis demonstrates a mechanistic similarity between algorithm-based attention manipulation systems and classic psychoactive drugs; he observes that recommendation algorithms activate identical neural reward circuits while producing comparable patterns of tolerance, withdrawal symptoms, and compulsive use (Mahlyankin, 2026). This analysis confirms that algorithmic dopaminergic stimulation is not a metaphorical description, but rather a documented neurobiological reality. Kumar further reinforces this analysis through the lens of neuroethics, demonstrating

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that platforms such as Facebook, Instagram, and TikTok deliberately design their architecture to promote dopamine release using psychological concepts such as intermittent reinforcement, gamification, and community presence to foster addiction (Kumar, 2024).

The legal implications are profound: when digital campaign content is designed to maximize hedonistic engagement, the resulting user behavior (sharing, amplifying, spreading) operates outside the framework of conscious deliberation assumed by the Indonesian Election Law (Law No. 7/2017) when it requires that campaign content convey a vision, mission, and program in a manner that is “narrative, graphic, character-based, interactive, or non-interactive” (Ngazis, 2025). Consequently, algorithmic amplification of political content driven by user engagement creates a structural mismatch between the legal framework governing election campaigns and the psychological reality of contemporary digital media participation.

3. Criminal Liability Under Relevant Legislations

a. Law No. 7 of 2017 on General Elections

Indonesia’s Election Law explicitly prohibits campaign behavior that constitutes “black campaigning” efforts to defeat political opponents through unverified claims, insults, defamation, hoaxes, or incitement. Thanzani, Sari, Yulia, and colleagues identified that black campaign practices via social media include insults, slander, bullying, and the spread of *hoaxes* (fake news) on various social media platforms (Thanzani et al., 2022).

The framework for sanctions under Law No. 7 of 2017 is set forth in Article 521, which stipulates that campaign organizers, participants, and/or teams involved in acts including incitement, sowing discord (stirring up conflict), and acts that insult a person based on SARA (ethnicity, religion, race, and intergroup relations) all of which indicate black campaign practices shall be subject to imprisonment for a maximum of two years and a fine of up to Rp24,000,000.00 (twenty-four million rupiah) (Nisa et al., 2020). Asri, Sari, and Akli reaffirm this penalty framework, noting that the liability of perpetrators of black campaigns via social media is regulated under Law No. 7 of 2017, carrying a penalty of two years’ imprisonment and a specified fine, while they identify the primary obstacle to law enforcement as the use of anonymous accounts that prevent identification (Hani Asri et al., 2025).

This legal framework establishes that campaign content driven by hedonistic pleasure which generally prioritizes emotional stimulation over factual accuracy falls into the prohibited category when it crosses the line into *incitement*, *sowing discord*, or *defamation*. The logic of pleasure-seeking that makes hedonistic content successful algorithmically (stimulation, controversy, anger) is precisely the logic that places it at legal risk under the existing legal framework.

b. Law No. 19 of 2016 on Electronic Information and Transactions

The supplementary criminal law framework is set forth in the Electronic Information and Transactions Law, as amended by Law No. 19 of 2016. Sirait, Mukidi, and Akhyar emphasize that the regulation of smear campaigns via social media is still not detailed in Law No. 7 of 2017, with the definition of a smear campaign found only in Law No. 8 of 2015 (Sirait et al., 2024). This regulatory gap makes the ITE Law a crucial complementary framework.

Article 27 of the ITE Law, in conjunction with Article 45, criminalizes the intentional and unauthorized dissemination, transmission, or facilitation of access to electronic information containing defamatory and/or libelous content, punishable by imprisonment for a maximum of six years and/or a fine of up to Rp1,000,000,000.00 (one billion rupiah) (Nisa et al., 2020). Arnita emphasized the application of these provisions in the context of the 2024 elections, noting that black campaign tactics remain regulated under the provisions on insult and defamation in the ITE Law, specifically Articles 27, 28, 45, and 45A (Mughniy Arnita, 2024).

Mirzana, Anas, and Rohman note that existing regulations, including the Criminal Code and the ITE Law, contain provisions regarding defamation, hate speech, and incitement, but these are not specifically addressed in the context of elections (Mirzana et al., 2024). The broad scope of these regulations has two implications for this analysis. First, this requires public prosecutors to combine interpretive frameworks from various legal instruments, thereby complicating the establishment of criminal liability for perpetrators of hedonistic campaigns. Second, it allows content driven by hedonistic pleasure even if it does not fully meet the categories outlined in Law No. 7 of 2017 to still be subject to liability under the more general provisions on defamation and insult in the ITE Law.

4. Criminal Liability of Intellectual Perpetrators and Buzzer Networks

One particularly challenging aspect of criminal liability arises in connection with “*intellectuele dader*” (intellectual perpetrators) that is, those who devise but do not directly carry out the criminal acts. A doctrinal analysis of Judgment No. 17/Pid.Sus/2014/PN.Bul (Bulukumba) establishes the legal basis for the criminal liability of such perpetrators in cases of smear campaigns through the conceptual lens of *dolus* (intent) and causality in the organization of unlawful campaign activities.

The framework of hedonistic engagement adds a new dimension to this doctrinal construct: networks of “buzzers” (organized groups consisting of campaign content amplifiers, both paid and unpaid) systematically exploit the hedonistic psychological profile of political content to maximize reach (Hidayat, 2020). Hidayat documents that the use of political buzzers on social media during election campaigns effectively transforms ordinary citizens into amplifiers of strategic political content through a reward feedback

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loop that includes both monetary gratification and the social validation inherent in likes, shares, and viral recognition (Hidayat, 2020).

This alters the question of *criminal liability* in two ways: (i) individual “buzzer” users may themselves be victims of dopamine-driven compulsive sharing behavior, thereby raising questions regarding *mens rea* and fault; and (ii) network operators use their influence through content specifically designed to maximize the pleasure-driven urge to share among participants, which complicates the causal analysis required to establish the liability of masterminds under established doctrinal frameworks.

5. Mechanisms of Causal Relationships: From Hedonic Engagement to Election Violations

The predictive mechanism linking hedonic engagement to violations of election laws operates through several channels that have been empirically documented:

First, Pennycook and Rand’s synthesis on the psychology of fake news found that poor truth-detection ability is linked to a lack of careful reasoning and the use of heuristics such as familiarity, while there is a significant gap between what people believe and what they share on social media a gap largely driven by a lack of attention (Pennycook & Rand, 2021). When users seeking entertainment encounter political content in algorithmic feeds optimized to stir up excitement, the impulse to share that content takes precedence and often supersedes verification of its accuracy.

Second, Akel and Candan empirically confirmed that social media addiction drives conspicuous consumption and hedonistic purchasing behavior among users (Akel & Candan, n.d.). When applied to the electoral sphere, pleasure-driven consumption of political content produces similar behavioral patterns: an urge to expand reach, share, and publicly endorse politically charged content in exchange for social validation (“likes”) rather than for substantive political judgment.

Third, the reinforcement learning model developed by Lindström and colleagues mathematically demonstrates that social media engagement follows a computational reward prediction pattern, which predicts that users will increasingly seek out content that yields the highest social validation rewards (Lindström et al., 2021). For political actors, this creates a strong incentive to produce content with maximum emotional impact that often crosses the line and falls into categories prohibited under Article 280 of Law No. 7 of 2017 and Articles 27–28 of the ITE Law.

6. Doctrinal Reform on Criminal Liability of Hedonic Behavior in Digital Campaigns under the Election Law and ITE Law

Karim, Zeinudin, and Suhartono have demonstrated that black campaign tactics on social media constitute both an election-related criminal offense and a cybercrime because they involve technology (Karim et al., 2025). This dual classification has significant implications for criminal liability: offenders may face liability simultaneously under both legal frameworks, and aggrieved parties as well as the state, through the Election Supervisory Agency, may pursue either avenue.

Fikri’s analysis of election law enforcement regarding negative campaigning on social media shows that the regulatory framework which combines the Election Law, the ITE Law, and the PKPU requires integrated enforcement mechanisms to address the complexities of technology and behavior involved in digital campaign violations (Fikri, 2024). The hedonistic engagement framework presented here suggests that law enforcement must also address the *psychological* dimension: Campaigns that systematically exploit dopaminergic reinforcement mechanisms to disseminate prohibited content may require a new doctrinal response, which could potentially include takedown orders, algorithmic transparency requirements for campaign-related content, and, most importantly, criminal liability for the architects of political disinformation campaigns optimized for engagement.

This perspective aligns with the recommendations of Mirzana, Anas, and Rohman that an amendment to the Regional Head Election Law is necessary to explicitly define and prohibit black campaigns, classify them as formal criminal offenses, and identify the relevant legal entities (Mirzana et al., 2024). The lens of hedonistic engagement also suggests that reforms must go beyond traditional electoral law reforms to include algorithmic accountability for content that systematically exploits vulnerabilities in the pursuit of pleasure to disseminate prohibited campaign content.

CONCLUSION

There are three key areas of convergence regarding hedonic engagement in the analysis of criminal liability in digital election campaigns in Indonesia: first, computational evidence regarding reward-based social media behavior; second, neurobiological evidence regarding algorithm triggered addiction to engagement stimuli; and third, the relationship between social media use, pleasure-seeking behavior, and consumption-driven sharing patterns. This calls for doctrinal development in Indonesian election criminal law, including expanding the definition in the Election Law and related regulations to adopt an explicit definition that encompasses psychologically engineered content designed to maximize engagement through hedonism as a category of black campaign practices, and expanding the “*intellectuele dader*” doctrine to include those who design campaign content optimized for engagement, which is predictably likely to result in prohibited downstream behavior, including violations of Articles 27-45 of the ITE Law as well as Articles 280 and 521 of the Election Law; and the integration of coordinated law enforcement regulations between Election Supervisory Agency, the Indonesian National Police’s Cybercrime Unit, and platform operators must be institutionalized, with platform operators required to disclose algorithmic amplification of campaign content that has been reported as violating election law provisions.

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